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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/788,428	02/21/2001	Yasuhiro Harita	2-33	5246

23400 7590 06/21/2005

POSZ LAW GROUP, PLC  
12040 SOUTH LAKES DRIVE  
SUITE 101  
RESTON, VA 20191

EXAMINER

SICONOLFI, ROBERT

ART UNIT

PAPER NUMBER

3683

DATE MAILED: 06/21/2005

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER
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ART UNIT	PAPER
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20050321

DATE MAILED:

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Commissioner for Patents

A copy of the Supplemental Examiner's answer is attached.

*Robert A. Siconolfi* 3/21/05  
Robert A. Siconolfi  
Primary Examiner  
Art Unit: 3683



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#16  
1429-04

**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/788,428  
Filing Date: February 21, 2001  
Appellant(s): HARITA ET AL.

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James E. Barlow  
For Appellant

**SUPPLEMENTAL EXAMINER'S ANSWER**

This is in response to the appeal brief filed 7/7/03.

**(1) *Real Party in Interest***

A statement identifying the real party in interest is contained in the brief.

**(2) *Related Appeals and Interferences***

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

**(3) *Status of Claims***

The statement of the status of the claims contained in the brief is correct.

**(4) *Status of Amendments After Final***

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) *Summary of Invention***

The summary of invention contained in the brief is correct.

**(6) *Issues***

The appellant's statement of the issues in the brief is correct.

**(7) *Grouping of Claims***

The appellant's statement in the brief that certain claims do not stand or fall together is not agreed with because the claims are not separately patentable. The different claims merely have some additional limitations but do not disclose a separate invention. Furthermore, all the claims are rejected upon the same basis and the same references. The examiner sees no reason why the claims should be treated separately.

**(8) Claims Appealed**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(9) Prior Art of Record**

5,360,274	Strobl	11-1994
3,239,287	Rose	3-1966

**(10) Grounds of Rejection**

This supplemental examiner's answer has been issued to clarify the grounds of rejection.

The following ground(s) of rejection are applicable to the appealed claims:

The rejection under 35 U.S.C. 102 is rescinded in light of the amendment to the claims entered on appeal. This Amendment was entered to simplify the issues for appeal.

Claims 2-5,7,8, and 11-15 are rejected under 35 U.S.C. 103 as being unpatentable over Strobl in view of Rose (U. S. Patent no. 3,239,287).

Strobl discloses: See figure 1 spherical shaped bearing 1, first member (holding plate) 19, second member (end plate) 7. Strobl does not disclose the use of an aperture and a projection which is plastically deformed to connect both plates. Rose teaches use of an aperture and a projection which is plastically deformed to connect both plates (see figure 1 and 2 aperture 48 projection 42). It would have been obvious to one of ordinary skill in the art at the time the invention was made to use an aperture and a projection which is plastically deformed to connect both plates as taught by Rose in the bearing setup of Strobl in order to allow for easy connection of the plates rather than relying on

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welding or adhesive processes which require multiple steps (such as curing with an light source or applying a load).

Regarding claims 4,5,14,and 15, the limitations of these claims are fully disclosed by Strobl but the rejection is changed to 35 U.S.C. 103 due to the amendment entered upon appeal. The claims have a change in their dependency to claims that are rejected under 35 U.S.C. 103.

**(11) Response to Argument**

Regarding claims 2 and 7, Appellant argues that the fingers of Rose do not allow for relative movement after the fixing surfaces come into contact. This is incorrect. Rose discloses that the fingers lock the surfaces in a releasable manner (see column 4 line 2). Therefore, the surfaces may be adjusted after the surfaces come into contact. Furthermore, Claim 2 reads that "fixing surfaces are fixed to each other to inhibit the relative and radial movement." That is until the surfaces are fixed to each other they allow relative and radial movement. The same is true of the surfaces of Rose. When the two surfaces are not "fixed" to each other, then they can move relative to each other. Additionally, the fingers of Rose are part of one of the fixing surface just as the projections are part of one of the fixing surface in the instant invention. Therefore, if the fingers are touching the opposite surface but have not snapped into place and therefore been "fixed", adjustment is possible.

Regarding claims 3 and 8, Appellant argues that the fingers of Rose do not move once the fixing surfaces come into contact with each other. As Examiner has stated earlier, the fingers of Rose are part of one of the fixing surfaces. Note claims 3 reads,

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"one of the fixing surfaces is provided with at least a projection". It is clear that the fingers of Rose can move within the apertures on the other surface (as admitted to by the applicant) and since the fingers must be considered part of one of the fixing surfaces (as evidenced by claim 3), then it becomes clear that Strobl in view of Rose reads upon the claims.

Regarding claim 11, Appellant states it should be a separate group than claims 2 and 7 but does not provide any new arguments. The Examiner disagrees with the arguments made by Appellant on the same grounds as stated above in regard to Claims 2 and 7, and for the sake of brevity will not repeat them.

Regarding claim 12, Appellant states it should be its own separate group but merely repeats the arguments made in regard to claims 3 and 8. Furthermore, Claim 12 repeats the same limitations present in Claims 3 and 8 but in method claim form. The Examiner disagrees with the arguments made by Appellant on the same grounds as stated above in regard to Claims 3 and 8, and for the sake of brevity will not repeat them.

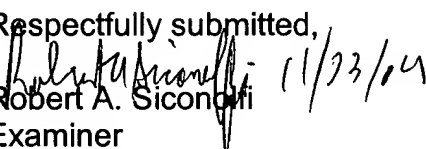
Regarding claim 13, Appellant states it should be its own separate group but claim 13 presents only limitations present in claim 3 and 8. The Examiner disagrees with the arguments made by Appellant on the same grounds as stated above in regard to Claims 3 and 8, and for the sake of brevity will not repeat them.

The Examiner believes that the broader interpretation of the claims that he has used is reasonable. The Examiner feels that the Appellant's interpretation is unduly narrow especially considering the relative brevity of the claims.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

 11/23/04  
Robert A. Siconolfi

Examiner

Art Unit 3683

RS

November 23, 2004

Conferees

RS

JL

MG

LAW OFFICE OF DAVID G POSZ  
2000 L STREET, N.W.  
SUITE 200  
WASHINGTON, DC 20036